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10 Attorneys for Defendant JAMES ARTHUR RAY

11
12 SUPERIOR COURT OF STATE OF ARIZONA
13 COUNTY OF YAVAPAI

14 STATE OF ARIZONA,
15
16 vs.
JAMES ARTHUR RAY,
17
18 Defendant.

CASE NO. V1300CR201080049

Hon. Warren Darrow

DIVISION PTB

**DEFENDANT JAMES ARTHUR RAY'S
FIRST SET OF PROPOSED JURY
INSTRUCTIONS**

SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA

2011 JAN 31 PM 5:00 ✓

GERALD HIGGS, CLERK

BY: BOBBI JO BALL

1 Defendant James Arthur Ray, by and through undersigned counsel, requests the following
2 jury instructions in this matter. Mr. Ray reserves the right to add to, delete, change or otherwise
3 modify his proposed instructions based upon further evidence or argument presented at trial or in
4 response to the State's proposed instructions.

5
6 **REQUESTED PRELIMINARY INSTRUCTIONS¹**

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8	<u>RAJI (Criminal) 3d No.</u>	<u>Instruction</u>
9	1	Importance of Jury Service
10	2	Duty of Jurors
11	3	Evidence
12	4	Direct and Circumstantial Evidence
13	5	Stipulations
14	6	Evidence, Statement of Lawyers and Rulings
15	7	Rulings of the Court
16	8	Exclusion of Witnesses
17	9	Bench Conferences and Recesses
18	10	Credibility of Witnesses
19	11	Expert Witness
20	12	No Transcript Available to Jury; Taking Notes
21	13	Admonition
22	14	Media Coverage
23	15	Questions by Jurors
24	16	Alternate Jurors
25	17	Constitutional Right Not To Testify
26	19	Presumption of Innocence and Burden of Proof

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28 ¹ The defense requests that this set of preliminary instructions be given to the jury prior to the parties' opening statement.

<u>RAJI (Criminal) 3d No.</u>	<u>Instruction</u>
21	The Charged Offense
22	Scheduling During Trial
23	Order of Trial

REQUESTED TRIAL INSTRUCTIONS

<u>RAJI (Criminal) 3d No.</u>	<u>Instruction</u>
1	Duty of Juror
2	Lawyers' Comments Are Not Evidence
3	Stipulations
4	Evidence to Be Considered
5a	Presumption of Innocence
5(b)(1)	Burden of Proof
7	Jury Not To Consider Penalty
15	Defendant Need Not Testify
16	Evidence of Any Kind
18	Credibility [Believability] of Witnesses
20	Witness (Prior Conviction)
21	Indictment Is Not Evidence
24	Direct and Circumstantial Evidence
25	Expert Witness
34	Testimony of Law Enforcement Officers
35	Separate Counts
11.03A1	Manslaughter
2.03	Causation Instruction - Intervening

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REQUESTED SENTENCING INSTRUCTIONS (if applicable)

RAJI (Criminal) 3d No. Instruction

Non-Capital Blakely Jury Instructions

DATED: January 31, 2011

MUNGER, TOLLES & OLSON LLP

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THOMAS K. KELLY

By: 

Attorneys for Defendant James Arthur Ray

Copy of the foregoing delivered this 31st day
of January, 2011, to:

Sheila Polk
Yavapai County Attorney
Prescott, Arizona 86301

by 